

In the United States District Court
For the Middle District of North Carolina



**Brian David Hill,
Petitioner/Defendant**

v.

**United States of America,
Respondent/Plaintiff**

Criminal Action No. 1:13-CR-435-1

Civil Action No. 1:22-CV-00074

**NOTICE OF FILING FEDERAL 2254 MOTION CASE IN WESTERN
DISTRICT OF VIRGINIA IN SUPPORT OF 2255 MOTION (DOC. #291)"**

Criminal Defendant and 28 U.S.C. § 2255 ("2255 Motion") Petitioner Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant", and "Petitioner") is respectfully filing this NOTICE that Petitioner has filed a 28 U.S.C. § 2254 ("2254 Motion") in the Western District of Virginia, Roanoke Division. It was mailed by Priority Mail on June 21, 2022. Brian is asking the Federal Court in Roanoke to take jurisdiction of the state criminal case for Habeas Corpus review. Now this Federal Court will have to exercise judicial restraint. Since this Court doesn't care about the Virginia state court process, doesn't care about Brian being found innocent in state court except only accepting the state court process against Brian David Hill, they will have to observe the 2254 Motion Federal Court process in Roanoke, Virginia. This motion is for a Federal Writ of Habeas Corpus to

challenge the wrongful conviction in the Circuit Court for the City of Martinsville on November 18, 2019. The remedy of seeking an Absolute Pardon was exhausted because the record is not fully developed requiring the Governor of Virginia to investigate and make a decision on the actual innocence of Brian David Hill in the state case due to the pending appeals for the Hon. Giles Carter Greer denying two motions, one for New Trial based on newly admissible evidence and the other mainly for Judgment of Acquittal, again based on newly admissible evidence.

This directly impacts the 2255 Motion in this case (See Documents #156, #157, and #158). It is premature for the United States Attorney for making a response and **it is premature for the judge to render any ORDER AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE** until the 2254 Motion has been dispositioned in Roanoke, Virginia. It was timely filed under the AEDPA one year statute of limitations since the Direct Appeal for the criminal case judgment on November 18, 2019 was exhausted in September 2, 2021, maybe September 9, 2021 after the Petition for Rehearing was denied by the Court of Appeals of Virginia.

One of the grounds in the 2254 Motion asserted was ACTUAL INNOCENCE of the state charge and conviction. This directly impacts the Supervised Release Violation charged in this case. See Documents #156, #157, and #158.

The reason why Petitioner is asserting his actual innocence is due to three elements of his state criminal charge which may be disproven.

Element 1: Petitioner and criminal defendant Brian David Hill was not medically cleared and was not psychologically cleared as charged on September 21, 2018. That same element was also used in the Supervised Release Violation charge against Brian David Hill (Documents #156, #157, and #158), again asserting that Brian Hill was medically cleared and psychologically cleared, before he was arrested and charged with indecent exposure. That is not truthful about being medically cleared.

On a side note for a different matter: Brian has multiple investigations started since last month. Brian had filed complaints last month. Brian Hill is not obligated to disclose these secret or confidential investigations (they should be kept secret or confidential until disposition) until they are completed. Once these investigations are completed, Brian Hill will disclose the investigation results and case files to the U.S. District Court and the Circuit Court for the City of Martinsville, and possibly the Federal Habeas Court in the Western District of Virginia. They will be kept secret and confidential to protect the investigators from interference or threats because the U.S. Attorney MAY interfere or threaten or sabotage those investigations. It is unlawful to interfere with any government investigation of any kind including but not limited to a law enforcement

investigation or any agency investigation. The U.S. Attorney is corrupt and does not need to know until the investigation is fully completed. They would like to interfere with such investigations because they want to win their cases at all costs, even if it means sabotaging any investigation, and will play dirty and do dirty tricks to always win. That is commonplace in government prosecutors in courts, to play dirty to always win. Brian will plead the Fifth Amendment right to remain silent upon any inquiry on such pending investigations until they are fully completed by the investigator(s), and Brian Hill obtains a copy of the investigation reports or case files or whatever. For this reason alone, it is premature for the U.S. Attorney to file a response in this case.

Because Brian David Hill was not medically cleared and thus should not have been held culpable for the charge of indecent exposure because he was not medically and psychologically cleared.

The U.S. Attorney should wait for the final disposition of the 2254 Motion and wait for the investigation report or reports to be filed with this Court, in this case. Brian Hill will not disclose what type of investigation but it will take time for it to be completed.

Element 2: Officer Robert Jones was asked by Attorney Renorda Pryor at the federal Supervised Release Violation hearing on September 12, 2019, if Brian Hill was being obscene. See Document #216, Attachment #1 (216-1); Document

#216, Attachment #2 (216-2); Document #216, Attachment #3 (216-3); and Document #216, Attachment #4 (216-4). The Officer responded by admitting that his suspect, Brian David Hill, was not being obscene. This is very important because the basis for the indecent exposure charge was listed in the Arrest Warrant and CRIMINAL COMPLAINT AFFIDAVIT. The basis was under oath, penalty of perjury, and the charge that Brian David Hill had: “intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.” Because the transcript was omitted this fact (See Doc #216-1, #216-2, #216-3, #216-4), this Court should send interrogatories to Officer Robert Jones to ask him again what was asked at the revocation hearing by Attorney Renorda Pryor at the direction of questions presented to Renorda Pryor by Brian Hill and his family. Was Brian David Hill being obscene when you (Robert Jones) arrested him and when the person called the police over a naked man running? (Question may be a little different then the exact question asked at the hearing) If the Officer again answers with a “no” then this proves the charging officer who charged Brian Hill with obscenity does not believe Brian was being obscene despite charging him with being obscene. This is a major defect in the criminal charge on September 21, 2018. He was the one who charged Brian Hill with obscenity in public, then admits Brian Hill was not being obscene. He acknowledged Brian Hill was not obscene in General District Court at the bench

trial on December 21, 2018. However, the corrupt Commonwealth Attorney Glen Andrew Hall argued that Brian was not charged with obscenity and the judge found Brian Hill guilty at the end of the quick trial. The corrupt Commonwealth Attorney Glen Andrew Hall, Esq. had lied to the judge. Brian WAS charged with obscenity in public. That warped false argument caused the judge in General District Court to find Brian Hill guilty, and confused Attorney Scott Albrecht who argued for the defense. So this is very important that the U.S. Attorney or the Petitioner send interrogatories to Officer Robert Jones or call forth the same witness to answer the question under oath: Was Brian David Hill being obscene when you arrested him and when the person called the police over a naked man running? This question should be answered by Officer Robert Jones. If Brian was not being obscene then this is a major defect to the entire criminal charge on September 21, 2018. Brian Hill had faxed a request letter for her case files to Attorney Renorda Pryor and she ignored it. Robert Hill sent her two emails and Brian faxed Attorney Renorda Pryor and she ignored it. Brian asked her to make an affidavit about her asking Officer Robert Jones a question at the hearing if Brian was being obscene and she refused to respond to that letter, almost as if she were afraid of being retaliated against by Judge Schroeder and the Court Reporter if she admits the transcript did have any omissions as claimed by evidence of four witnesses under oath (See Doc. #216, Doc #216-1, #216-2, #216-3, #216-4). She

was likely afraid of retaliation if she makes an affidavit. She ignored her obligation as the attorney to give a copy of her case files to her client, Brian David Hill.

Attorney Renorda Pryor was ineffective counsel. She has committed grave error by ignoring the letter from Brian David Hill, her client. She should be subpoenaed in this 2255 case.

Element 3: With no medical clearing, lack of obscenity, it is clear as day that there was no INTENT necessary to commit the act of indecent exposure by the charge of “making an obscene display”. Intent is necessary. Intent was not proven, intent can never be proven because of the lack of medical clearing, and there was neglect or medical malpractice at Sovah Health Martinsville, on September 21, 2018.

Respectfully filed with the Court, this the 22nd day of June, 2022.

Respectfully submitted,


Signed
Brian D. Hill

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter
I stand with Q Intelligence and Lin Wood – Drain the Swamp
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Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.
Thank You!

CERTIFICATE OF SERVICE

Petitioner/Defendant hereby certifies that on June 22, 2022, service was made by mailing the original of the foregoing:

“NOTICE OF FILING FEDERAL 2254 MOTION CASE IN WESTERN DISTRICT OF VIRGINIA IN SUPPORT OF 2255 MOTION (DOC. #291)”

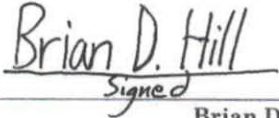
by deposit in the United States Post Office, in an envelope, Postage prepaid, on June 22, 2022 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th
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Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
JOHN M. ALSUP U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 john.alsup@usdoj.gov	

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p>June 22, 2022</p>	<p>Respectfully submitted,</p> <p></p> <p><u>Brian D. Hill</u></p> <p>Signed</p> <p>Brian D. Hill (Pro Se)</p> <p>310 Forest Street, Apartment 2</p> <p>Martinsville, Virginia 24112</p> <p>Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p> <p>I stand with Q Intelligence and Lin Wood – Drain the Swamp</p> <p>I ask Q Intelligence and Lin Wood for Assistance (S.O.S.)</p> <p>Make America Great Again</p>
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Friend's justice site: JusticeForUSWGO.wordpress.com
JusticeForUSWGO.NL; <https://youtu.be/zR-7YLVp5uQ>



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